IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

| Billy Lee Lisenby, Jr., a/k/a Malik Al-Shabazz, |) C/A No.: 1:11-1442-DCN-SVH |
|---|------------------------------|
| Petitioner, |) REPORT AND RECOMMENDATION |
| VS. |) |
| Warden, Lee Correctional Institution, |)) |
| Respondent. |) |
| | <i>'</i> |

Petitioner, proceeding pro se, brought this action pursuant to 28 U.S.C. § 2241. Respondent filed a motion for summary judgment on February 10, 2012. [Entry #35]. As Petitioner is proceeding pro se, the court entered an order pursuant to *Roseboro v*. *Garrison*, 528 F.2d 309 (4th Cir. 1975), on February 13, 2012, advising him of the importance of a motion for summary judgment and of the need for him to file an adequate response. [Entry #24]. Petitioner was specifically advised that if he failed to respond adequately, Respondent's motion may be granted, thereby ending this case. Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Petitioner has failed to respond to the motion.

On March 21, 2012, the court ordered Petitioner to advise whether he wished to continue with the case by April 4, 2012. [Entry #40]. Petitioner has filed no response. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, the undersigned recommends this action be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.

April 10, 2012 Columbia, South Carolina

Shiva V. Hodges United States Magistrate Judge

Shira V. Hodges